

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	CLARK ET AL.	Examiner:	UNKNOWN
Serial No.:	NEW FILING	Group Art Unit:	UNKNOWN
Filed:	HEREWITH	Docket No.:	1165.54USC4
Title:	DYNAMIC ON-LINE SCORING GUIDE AND METHOD (AS AMENDED HEREIN)		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322886355US

Date of Deposit: October 20, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Teresa Anderson

Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office in parent applications, U.S. Serial No. 09/141,804, filed August 28, 1998, now issued Patent No. 6,168,440 B1; U.S. Serial No. 09/003,979 filed on January 7, 1998, now abandoned; U.S. Serial No. 08/561,081 filed November 20, 1995, now issued Patent No. 5,735,694; U.S. Serial No. 08/290,014 filed on

August 12, 1994, now issued Patent No. 5,558,521 and U.S. Serial No. 08/014,176 filed February 5, 1993, now issued Patent No. 5,437,554.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

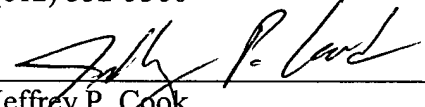
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date:

Oct 13, 2003



Jeffrey P. Cook
Reg. No. 48,649
JPC:PLSklg

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PATENT TRADEMARK OFFICE

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 1165.54USC4	Application Number: NEW FILING
	Applicant: CLARK ET AL.	
	Filing Date: HEREWITH	Group Art Unit: UNKNOWN

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	Re. 34,476	12/14/1993	Norwood			
	3,405,457	10/15/1968	Bitzer			
	3,538,626	11/10/1970	Frank			
	3,762,072	10/02/1973	From			
	3,932,948	01/20/1976	Goddard et al.			
	4,004,354	01/25/1977	Yamauchi			
	4,151,659	05/01/1979	Lien et al.			
	4,205,780	06/03/1980	Burns et al.			
	4,478,584	10/23/1984	Kaney			
	4,518,267	05/21/1985	Hepp			
	4,518,361	05/21/1985	Conway			
	4,553,261	11/12/1985	Froessl			
	4,627,818	12/09/1986	Von Fellenberg			
	4,648,062	03/03/1987	Johnson et al.			
	4,671,772	06/09/1987	Slade et al.			
	4,694,352	09/15/1987	Ina et al.			
	4,705,479	11/10/1987	Maron			
	4,708,503	11/24/1987	Poor			
	4,715,818	12/29/1987	Shapiro et al.			
	4,741,047	04/26/1988	Sharpe, II			
	4,760,246	07/26/1988	Shepard			
	4,764,120	08/16/1988	Griffin et al.			
	4,789,543	12/06/1988	Linder			
	4,798,543	01/17/1989	Spiece			
	4,845,739	07/04/1989	Katz			
	4,867,685	09/19/1989	Brush et al.			
	4,878,175	10/31/1989	Norden-Paul et al.			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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	4,895,518	01/23/1990	Arnold et al.			
	4,908,759	03/13/1990	Alexander, Jr. et al.			
	4,930,077	05/29/1990	Fan			
	4,937,439	06/26/1990	Wanninger et al.			
	4,958,284	09/18/1990	Bishop et al.			
	4,978,305	12/18/1990	Kraft			
	4,996,642	02/26/1991	Hey			
	5,002,491	03/26/1991	Abrahamson et al.			
	5,003,613	03/26/1991	Lovelady et al.			
	5,011,413	04/30/1991	Ferris et al.			
	5,023,435	06/11/1991	Deniger			
	5,035,625	07/30/1991	Munson et al.			
	5,038,392	08/06/1991	Morris et al.			
	5,054,096	10/01/1991	Beizer			
	5,058,185	10/15/1991	Morris et al.			
	5,059,127	10/22/1991	Lewis et al.			
	5,072,383	12/10/1991	Brimm et al.			
	5,086,385	02/04/1992	Launey et al.			
	5,100,329	03/31/1992	Deesen et al.			
	5,101,447	03/31/1992	Sokoloff et al.			
	5,103,490	04/07/1992	McMillin			
	5,105,354	04/14/1992	Nishimura			
	5,119,433	06/02/1992	Will			
	5,134,669	07/28/1992	Keogh et al.			
	5,140,650	08/18/1992	Casey et al.			
	5,147,205	09/15/1992	Gross et al.			
	5,151,948	09/29/1992	Lyke et al.			
	5,176,520	01/05/1993	Hamilton			
	5,180,309	01/19/1993	Egnor			

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	5,195,033	03/16/1993	Samph et al.			
	5,204,813	04/20/1993	Samph et al.			
	5,211,564	05/18/1993	Martinez et al.			
	5,258,855	11/02/1993	Lech et al.			
	5,259,766	11/09/1993	Sack et al.			
	5,261,823	11/16/1993	Kurokawa			
	5,267,865	12/07/1993	Lee et al.			
	5,294,229	03/15/1994	Hartzell et al.			
	5,302,132	04/12/1994	Corder			
	5,310,349	05/10/1994	Daniels et al.			
	5,318,450	06/07/1994	Carver			
	5,321,611	06/14/1994	Clark et al.			
	5,344,132	09/06/1994	LeBrun et al.			
	5,376,007	12/27/1994	Zirm			
	5,379,213	01/03/1995	Derks			
	5,387,104	02/07/1995	Corder			
	5,418,865	05/23/1995	Bloomberg			
	5,433,615	07/18/1995	Clark			
	5,437,554	08/01/1995	Clark et al.			
	5,437,555	08/01/1995	Ziv-El			
	5,452,379	09/19/1995	Poor			
	5,458,493	10/17/1995	Clark et al.			
	5,466,159	11/14/1995	Clark et al.			
	5,496,175	03/05/1996	Oyama et al.			
	5,544,255	08/06/1996	Smithies et al.			
	5,558,521	09/24/1996	Clark et al.			
	5,565,316	10/15/1996	Kershaw et al.			
	5,596,698	01/21/1997	Morgan			
	5,634,101	05/27/1997	Blau			
	5,647,017	07/08/1997	Smithies et al.			

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	5,672,060	09/30/1997	Poor			
	5,690,497	11/25/1997	Clark et al.			
	5,691,895	11/1997	Kurtzberg et al.			
	5,709,551	01/20/1998	Clark et al.			
	5,716,213	02/10/1998	Clark et al.			
	5,718,591	02/17/1998	Clark et al.			
	5,735,694	04/07/1998	Clark et al.			
	5,752,836	05/19/1998	Clark et al.			
	5,987,149	11/16/1999	Poor			
	5,987,302	11/16/1999	Driscoll et al.			
	5,991,595	11/23/1999	Romano et al.			
	6,155,839	12/05/2000	Clark et al.			
	6,157,921	12/2000	Barnhill			
	6,159,018	12/12/2000	Clark et al.			
	6,168,440 B1	01/02/2001	Clark et al.			
	6,183,261 B1	02/06/2001	Clark et al.			
	6,193,521 B1	02/27/2001	Clark et al.			
	6,558,166 B1	05/06/2003	Clark et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0 171 663	02/19/1986	EP				
	2 274 932 A	08/10/1994	GB				
	56-10634	02/03/1981	JP			abstract only	
	3-1709	01/11/1991	JP			abstract only	
	5-74825	10/19/1993	JP			abstract only	
	62-75578	04/07/1987	JP			abstract only	
	4-147288 A	05/20/1992	JP			abstract	
	WO 90/05970	05/31/1990	PCT				
	WO 99/06930	02/11/1999	PCT				

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	Filing Date: HERewith	Group Art Unit: UNKNOWN

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Author Unknown, "'Score Image" Processing of Constructed-Responses, Essays, and Writing Samples", <i>Uniscor, Incorporated</i> : 3 pages (1992)
		Author Unknown, "Image Processing of Open-Ended Questions", <i>Uniscor, Incorporated</i> : 3 pages (1992)
		Breland, H. et al. "Remote Scoring of Essays", <i>College Board Report</i> , No. 88-3, ETS RR No. 88-4, 43 pages (1998)
		Brown, P. et al., "Validation - Cost Effective External Evaluation", <i>Australian Journal of Educational Technology</i> , 6(2): 5 pages (1990)
		Draper, S.W. et al., "Integrative evaluation: An emerging role for classroom studies of CAL", Internet: http://www.psy.gla.ac.uk/~steve/IE.html : 17 pages (August 12, 1995)
		Draper, S.W., "Observing, Measuring, or Evaluating Courseware", Internet: http://www.psy.gla.ac.uk/~steve/Eval.HE.html : 10 pages (February 18, 1996)
		Foxon, M., "Evaluation of training and development programs: A review of the literature", <i>Australian Journal of Educational Technology</i> , 5(2): 16 pages (1989)
		Gathy, P. et al., "Computer-Assisted Self -Assessment (CASA) In Histology", <i>Computers & Education</i> , 17(2): Front cover and 109-116 (1991)
		IBM Personal Science Laboratory (PSL), IBM Tools For Education, 12 pages (1990)
		IBM Education Local Area Network and Tools (EdLAN), Tools for education: 16 pages (1991)
		IBM PS/2® MultiMedia for Microscopic Studies, 4 pages (1991)
		IBM Multimedia Supplement to T.H.E. Journal, Special Issue, 41 pages (September 1991)
		IBM Software for Education Catalogue, Pre-kindergarten to Adult Tools for Education, 86 pages, 1991/92 Edition
		Kool, L., "The Scribophone: a graphic telecommunication system", <i>Philips Telecommunications Review</i> , Vol. 38, No. 1, 11 pages (January 1980)
		Sims, R., "Futures for Computer-Based Training: Developing the learner-computer interface", <i>Australian Journal of Educational Technology</i> , 4(2): 11 pages (1988)
		Uniscor Proposal Number 92-11, to Delaware Department of Public Instruction (May 15, 1992)

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